

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

THURSDAY
JULY 10, 2003

+ + + + +

The Public Hearing was convened in the Office of Zoning Hearing Room, 441 4th Street, N.W., Suite 220, Washington, D.C. 20001, pursuant to notice at 6:30 p.m., Carol Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
PETER G. MAY	Commissioner (Architect of the Capitol)

COMMISSION STAFF PRESENT:

ALBERTO P. BASTIDA	Secretary, Zoning Commission
SHARON SCHELLIN	Office of Zoning

OTHER AGENCY STAFF PRESENT:

ARTHUR JACKSON	Office of Planning
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C-O-N-T-E-N-T-S

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	(202) 419-2460	
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P-R-O-C-E-E-D-I-N-G-S

(6:34 p.m.)

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a Public Hearing of the Zoning Commission of the District of Columbia for Thursday, July 10, 2003. My name is Carol Mitten, and joining me this evening are Vice Chairman Anthony Hood and Commissioner Peter May.

The subject of this evening's hearing is Zoning Commission case Number 03-11. This is a request by High Street Columbia LLC for the review and approval of a Consolidated Planned Unit Development and related zoning map amendment under Chapters 24 and 30 of the District of Columbia Zoning Regulations, 11 DCMR, for property known as Lot 806 in Square 25 with a street address of 2425 L Street, N.W.

Notice of today's hearing was published in the D.C. Register on May 30, 2003, and a copy of that hearing announcement is available to you, and it is located in the wall bin near the door.

This hearing will be conducted in accordance with the provisions of 11 DCMR, Section 3022, which are the Rules of Procedure for contested cases, and the order of procedure will be

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1 as follows: Preliminary matters, followed by the
2 presentation of the applicant's case, report by the
3 Office of Planning, reports of any other government
4 agencies, report of the affected Advisory
5 Neighborhood Commission -- in this case, it is ANC-
6 2A -- parties and persons in support, parties and
7 persons in opposition, and then rebuttal by the
8 applicant.

9 We will maintain the following time
10 schedule in this hearing. The applicant will have
11 30 minutes. Parties will have 15 minutes.
12 Organizations will have five minutes, and
13 individuals will have three minutes.

14 The Commission intends to adhere to
15 these time limits as strictly as possible in order
16 to hear the case in a reasonable period of time.
17 The Commission reserves the right to change the
18 time limits for presentations, if necessary, and
19 notes that no time shall be ceded.

20 Parties may, at anytime, object to a
21 question posed to a witness by another party or to
22 evidence sought to be introduced into the record,
23 if it is irrelevant, immaterial, or unduly
24 repetitious. The Commissioners as well may request
25 that such testimony or evidence not be received or

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1 that such evidence be struck from the record.

2 All persons appearing before the
3 Commission are to fill out two witness cards.
4 These cards are located on the table near the door
5 and on the table in front of us. Upon coming
6 forward to speak to the Commission, please give
7 both cards to the reporter who is sitting to our
8 right.

9 The decision of the Commission in this
10 case must be based exclusively on the public
11 record. To avoid any appearance to the contrary,
12 the Commission requests that persons present not
13 engage the members of the Commission in
14 conversation during a recess or at any other time.

15 Staff will be available throughout the
16 hearing to discuss any procedural questions, and
17 you can direct any questions to Mr. Bastida or Mrs.
18 Schellin.

19 Please turn off all beepers and
20 cellphones at this time, so as not to disrupt these
21 proceedings.

22 At this time, the Commission will
23 consider any preliminary matters. Mr. Bastida, do
24 you have any preliminary matters?

25 MR. BASTIDA: Yes, Madam Chairman. The

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1 Applicant has complied with the posting
2 requirements.

3 CHAIRPERSON MITTEN: Thank you. We
4 also have a request for party status. Is Nicole
5 Glineur here? All right. You are representing the
6 1116 25th Street Condominium Association. Is that
7 correct? Okay. So we have a request
8 for party status from the Condominium Association
9 that is across the street from a portion of the
10 site, and that is Exhibit Number 25 in the record.

11 Is there any objection to granting party status to
12 1116 25th Street Condominium Association?

13 All right then, without objection, the
14 1116 25th Street Condominium Association is granted
15 party status as a party in opposition.

16 Are there any other preliminary
17 matters? All right. Then, Mr. Glasgow, I think --
18 Well, actually, if you would come forward, and we
19 will ask Mrs. Schellin to administer the oath to
20 all those individuals who are planning on
21 testifying this evening. Please rise now, and
22 raise your right hand.

23 MS. SCHELLIN: Do you solemnly swear
24 that the testimony you will give in this evening's
25 hearing will be the truth, the whole truth, and

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1 nothing but the truth?

2 (WITNESSES SWORN.)

3 MR. GLASGOW: Madam Chair, we didn't
4 see that document until right now with respect to
5 this party in opposition. So we are trying to
6 ascertain whether we had any objection to that.

7 CHAIRPERSON MITTEN: Okay.

8 MR. GLASGOW: At least the beginning of
9 it talked about a BZA case that we are not involved
10 in or doesn't involve the property. So I wanted to
11 understand whether they were making any type of
12 claim under the regulations which warranted
13 admission of party status.

14 CHAIRPERSON MITTEN: There is -- Under
15 letter F is where the justification for party
16 status begins, I think, in earnest, let's say.

17 MR. GLASGOW: All right.

18 CHAIRPERSON MITTEN: So would you like
19 us to just wait a moment then?

20 MR. GLASGOW: If we can, if we can see
21 a copy of it. We are making a photocopy of it.
22 For whatever reason, we didn't see it in the
23 record.

24 CHAIRPERSON MITTEN: Okay. Just for
25 the record, it was filed on June 26, 2003. So we

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1 will just take a moment. Mrs. Miller?

2 MS. MILLER: I am Commissioner Miller,
3 Chair of ANC-2A. The person never came before our
4 ANC or registered any objections with the
5 Commission. I just wanted you to know.

6 CHAIRPERSON MITTEN: Thank you.

7 MR. GLASGOW: Is this a residential
8 unit or a commercial condominium unit?

9 CHAIRPERSON MITTEN: That's not clear
10 to me, but does that matter in terms of the issues
11 that they have raised?

12 MR. GLASGOW: I guess we would just
13 note an objection for the record, because there is
14 a -- going through these items, distance between
15 the property and the subject property is about 25
16 feet. I mean, that is irrelevant. That's how
17 close somebody chose to build to a property line.

18 The environmental, social, economic
19 impacts, summary of testimony -- violation of the
20 historic zoning provisions -- Well, we have
21 approval from the Historic Preservation Review
22 Board. So that statement is in error.

23 2. Loss of light to all residents.
24 Loss of light and loss of view, loss of property
25 value -- Well, I guess we would have to wait and

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1 see whether they can say anything about loss of
2 property value, but the loss of light and loss of
3 view -- They have no light in their easement over
4 this adjoining property. We are set back, and we
5 comply with all regulations. We haven't asked for
6 anything with respect to any type of waiver from
7 the Commission for any setbacks.

8 Increase in traffic in already
9 congested block: I don't believe that DDOT has
10 submitted anything in opposition to this
11 application.

12 Street parking: There is nothing in
13 the record to indicate how we would affect street
14 parking one way or the other, and loss in quality
15 of life is just a very amorphous statement.

16 CHAIRPERSON MITTEN: I understand. I
17 don't think that the purpose necessarily at this
18 juncture is to refute their concerns, but just to
19 acknowledge that they have them and whether or not
20 they are a valid basis for grant party status.

21 All right. So after noting Mr.
22 Glasgow's objection, is there any change in the
23 position of any of the Commissioners? All right.
24 Thank you, Mr. Glasgow.

25 MR. GLASGOW: All right. Thank you.

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1 Good evening, Madam Chairman, members
2 of the Commission. For the record, my name is
3 Norman M. Glasgow, Jr., law firm of Holland and
4 Knight, representing the Applicant for rezoning to
5 C-2-C in a Planned Unit Development approval for a
6 historic landmark, Columbia Hospital for Women
7 site, and that's development, and its conversion to
8 residential use with ground floor retail.

9 Here with me this evening are Mr. Jeff
10 Sherman on behalf of High Street Columbia LLC, the
11 owners of the site; and Trammell Crow, the project
12 developer; Shalom Baranes and Patrick Burkhardt of
13 the architectural firm of Shalom Baranes
14 Associates, architects of the project; Mr. Marty
15 Wells, traffic engineer; and Mr. Steven Sher, land
16 planner. Also here with me this evening is Miss
17 Carolyn Brown of the law firm of Holland & Knight.

18 Misters Baranes, Wells, and Sher are
19 also admitted as expert witnesses in the fields of
20 architecture, traffic engineering, and land
21 planning respectively, and they have all been
22 previously accepted in these capacities as experts
23 by the Board.

24 Before proceeding to the testimony of
25 the witnesses, I would like to offer a brief

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1 opening statement.

2 Even before putting the property under
3 contract last September, the Applicant in this case
4 has diligently worked with and met with community
5 representatives, including those of the Foggy
6 Bottom Association and ANC-2A, to work out a
7 redevelopment program for the property that met the
8 needs of the community and addressed historic
9 preservation concerns involving the rehabilitation
10 and restoration of the historic Columbia Hospital
11 for Women site.

12 The Applicant also worked extensively
13 with the Office of Planning staff, including zoning
14 and historic preservation staff, to bring you a
15 project which fits within the parameters of the
16 existing R-5-D zone and, given the opposition, we
17 think that that is important to note.

18 If it were not for the requested 28,000
19 square feet of retail on the ground floor, floor
20 area of retail, which we worked out -- up to
21 28,000 square feet, which we worked out with the
22 community at their request, we wouldn't even be
23 here this evening. We meet all the requirements of
24 the R-5-D district except for that, and that is the
25 only reason why there is a rezoning application.

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1 This retail use necessitates a rezoning
2 to C-2-C, which is consistent with surrounding
3 commercial zoning, including that of the northern
4 half of the square and property located to the west
5 and south. We have community representatives from
6 the ANC and the Foggy Bottom Association, and I
7 understand that they are in support of this
8 application.

9 In furtherance of the understandings
10 which we have worked out with the community, the
11 Applicant has recorded a covenant amendment, a copy
12 of which is attached as Exhibit I of the prehearing
13 statement. That now has been recorded in the land
14 records of the District of Columbia.

15 I would also like to confirm for the
16 record that the Commission has received copies of
17 the Applicant's prehearing submission.

18 CHAIRPERSON MITTEN: Yes, we have.

19 MR. GLASGOW: Okay, thank you.

20 The Applicant is also pleased to have
21 the support of the Office of Planning, and is in
22 general agreement with the conditions set forth in
23 the Office of Planning report, and I will get to
24 that in just a minute. We want to have flexibility
25 to have up to 235 residential units, as long as we

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1 have one parking space that would be -- as long as
2 we provide one residential parking space per
3 residential unit.

4 We also would like to provide up to
5 28,000 square feet of floor area for the retail.
6 That is not gross floor area. It's floor area.
7 Some of it is -- The site has some slopes, and some
8 of it is in FAR, and some is out of FAR.

9 We also want to provide up to 320
10 parking spaces, and the parking spaces -- The way
11 that we would like those to be is we would provide
12 one per -- For the number of residential units that
13 we have, there would be a parking space available
14 for residential.

15 Assuming that that is 235, then there
16 would be 235 spaces that would be available for
17 residential, 61 parking spaces available -- or 31
18 -- 31 parking spaces available for the retail at
19 the 28,000 square foot level, and the rest of the
20 parking, if we do provide up to 320 spaces, we
21 would let the market dictate whether those would be
22 best utilized for additional residential parking
23 spaces or are needed as commercial parking spaces.

24

25 Lastly, because this is a historic

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1 landmark property and subject to the review of the
2 Historic Preservation Review Board, we would like
3 the order of the Commission to grant flexibility
4 for revisions that may result from further work
5 with the Historic Preservation Review Board staff,
6 the Review Board and, if necessary, the Mayor's
7 agent, so long as those modifications are
8 consistent with the parameters of the R-5-D zone
9 except for the up to 28,000 square feet of retail
10 and the 31 parking spaces that are attendant to
11 that retail.

12 We are asking this degree of
13 flexibility, because this is a unique situation
14 which brings us to the Commission. That,
15 basically, as we understand it, was to address a
16 concern of the Commission and the Office of
17 Planning that in a rezoning to C-2-C that the
18 protection of the PUD covenant would be desired by
19 the city, because under C-2-C zoning you could go
20 up to six FAR, and we are only asking to go up to
21 a maximum of 3.5 FAR, which is the R-5-D, and our
22 most recently approved plans with the Historic
23 Preservation Review Board are at about 3.31 FAR.

24 So because of all of that, we want to
25 have that degree of flexibility, because we are

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1 still continuing to work out our facade and the
2 precise placement of the building with the Historic
3 Preservation Review Board.

4 If there are no preliminary questions,
5 I would like to proceed with the testimony of the
6 witnesses.

7 CHAIRPERSON MITTEN: Please just go
8 ahead and continue.

9 MR. GLASGOW: Thank you. Mr. Sherman,
10 would you please identify yourself for the record
11 and proceed with your testimony?

12 MR. SHERMAN: Thank you. Jeff Sherman.

13 I am Managing Director of Trammell Crow Company,
14 and we are the owner of High Street Columbia, owner
15 of the property.

16 I don't want to repeat what Chip just
17 told you. So I'll be careful here to make sure
18 that I stay focused on points that I would like to
19 make. But we have been working with the community
20 since September. We did make -- After careful
21 negotiation, we made arrangements with the Foggy
22 Bottom Association and ANC to get relief from a
23 covenant they held on the site in December, which
24 enabled us to contemplate going to the full 350,000
25 feet that is available under the R-5-D zone.

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1 Then we started appearing right in this
2 very room before the HPRB in December, and it took
3 me countless meetings and four trips to the Board
4 before we got to a design that they supported,
5 which was an interactive process on both sides and,
6 I think, a good one, because at the end of the day
7 I think we are all pleased with where we ended up.

8 You will get to see that, because Shalom is going
9 to show it to you. But that took us until April.

10 Then really now, what I am trying to do
11 is satisfy another obligation I made to the Foggy
12 Bottom Association and the ANC, which is to try to
13 get them community-serving retail which will enable
14 this project to be sort of a town center for the
15 west end. We want to fill in sort of an empty hole
16 in that area of the neighborhood and create a
17 street presence and some life to it, as well as to
18 provide the amenities that would really help the
19 whole entire area with the kind of retail that
20 isn't there right now. Not looking to put in
21 boutiques or anything like that. I am negotiating
22 with grocery stores and hardware stores and people
23 like that. That's who we are talking to, and
24 that's what we are trying to go after.

25 As Chip said, we don't need anything

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1 more than that. We just want to be able to get the
2 retail in, and Office of Planning felt this was the
3 best way to go, and we are happy to be able to
4 support them on that, and that is why we are here.

5 I am in negotiations with several of
6 these retailers. I hate to contradict my own
7 lawyer, but I will tell you that the negotiation
8 with grocery stores is typical of the industry.
9 You know, we offer something, and they come back
10 and they ask for a lot more. But with regard to
11 the parking, you know, we have 31 spaces that we
12 have designed in the building to be suitable for
13 their use, and they have come back and asked for
14 60.

15 I don't physically -- I won't be able
16 to give them 60 spaces, but at the same time I may
17 need a little flexibility there, and hoping that we
18 can settle on some number that might be above 30
19 but below 60. I would like you to stay within the
20 discussion that we started out previously, which
21 says that, as long as we've got one space per unit,
22 we can be a little bit more flexible with how we
23 use the rest of the spaces in the site, which you
24 alluded to.

25 I just want to make sure that you know

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1 that we are banging our heads with these people,
2 and we are going to make a deal, but it's not easy,
3 especially this neighborhood, because it hasn't had
4 much in the way of precedence for success on a
5 retail basis. But we will get there.

6 We do think the design will be a nice
7 enhancement to the area, and we've been working
8 pretty carefully to preserve the historic features
9 of the central building, which will be retained in
10 the design, and you will see that when Shalom gets
11 to present.

12 Right now, the plans have us building a
13 total of 225 housing units inside this envelope, to
14 be sold at prices that will range from
15 approximately \$380,000 on the smaller side to more
16 than \$2 million on the high side.

17 The majority of the units will sell in
18 the range of about \$700,000 to \$900,000, and I
19 believe they should be bringing residents to the
20 area that will be both help with regard to their
21 capacity to stabilize it as a residential
22 neighborhood, as well as to improve the area and
23 pay their fair share of taxes.

24 We think this is the right logical
25 transition of this failed hospital, which failed

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1 through an insolvency process back in March of last
2 year. We think it logically should be transitioned
3 into residential development, and I think what the
4 community is supporting and what we are trying to
5 do is to get owner occupied housing in the
6 neighborhood. We want to bring residents, not more
7 renters. There's plenty of rental capacity that
8 will be built right to the north of us in two
9 buildings that JBG is putting up on the north end
10 of the block.

11 So we think that, by offering a quality
12 housing development with owner occupants that is
13 enhanced by retail on the first floor, we will be
14 able to get to the kind of environment that this
15 neighborhood really has the potential to be. So
16 that's why we are here.

17 With that, I will turn it over to
18 Shalom.

19 MR. BARANES: Thank you. Shalom
20 Baranes with Shalom Baranes & Associates. Could I
21 stand next to the boards? Will the mike pick it
22 up?

23 CHAIRPERSON MITTEN: Sure. I have
24 this, too.

25 MR. BARANES: I want to start by just

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1 showing you some images of the existing conditions.

2 You know, what is most interesting about the
3 building as it exists today is that, actually, you
4 look at it, and it looks like a hospital. The
5 reason it looks like a hospital is because it's had
6 so many additions over the years. So it's just
7 totally incongruous with what the original
8 structure was, and it's quite chaotic from an
9 architectural standpoint.

10 The original building that you see here
11 in blue, which is this large mass here with two
12 towers, and a belvedere that used to be here has
13 been removed, and then the two Y-sections here and
14 here shown in blue -- that is the original 1915
15 structure, and everything else that you see here in
16 these other colors was added on over time.

17 Our intent is to strip all of this
18 away, remove everything that was not part of the
19 1915 structure, reestablish the presence of this
20 building in relationship to its site so that it
21 will sit symmetrically on the site -- today it does
22 not -- to restore it by reconstructing some of the
23 elements that have been removed, as well as
24 reconstructing and repairing some of these walls
25 here that have been buried or removed in the

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1 building, and then, of course, undertaking a fairly
2 complete approach to cleaning up the facade and
3 doing whatever has to be done to repair it, and
4 again reestablish orientation to the site, and then
5 to build two wings which are symmetrical, one on
6 this side and one on this side, so that we will
7 essentially go from this kind of a site plan to
8 this kind of a site plan.

9 What was a little surprising to us is
10 by the time we got done designing our scheme here -
11 - and we did not start out with this goal -- we
12 found that we were at a 57 percent lot occupancy,
13 which is exactly what the existing condition is, 57
14 percent lot occupancy. So we will not be
15 increasing that.

16 One small added bonus is that we will
17 be increasing the green space from 16 percent of
18 the site to 32 percent of the site by reducing the
19 paved area. So I think that will be a major
20 improvement to what you see there today.

21 These are a couple of historic images
22 of what the building used to look like. I mainly
23 want to show you this to point out this element
24 here that is missing that we will reconstruct, as
25 well as these porches here which have been -- some

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1 of them have been bricked in with masonry walls.

2 All of these screens and this very fine
3 tracery has been removed and replaced by very heavy
4 aluminum windows, which we will replace, and
5 basically try to restore this appearance that you
6 see here, even though the space will be enclosed.

7 In addition to that, as I said, we are
8 going to try to restore the relationship of the
9 building to its site, and part of it, of course,
10 will be the development of the landscape. Since
11 Mr. Parsons is not here, I probably don't have to
12 go into any detail on that. Right? Okay. But I
13 would be glad to do that, if you would like me to
14 come back to it.

15 This is a model view. It's an early
16 model, actually. We have modified the massing very
17 slightly as we have gone through the Review Board
18 process, but it is very, very close to what you see
19 here.

20 Again, the general intent has been to
21 try to make sure that our massing was pushed back
22 from the front so that, from both this intersection
23 and this intersection up and down Pennsylvania
24 Avenue, when you look at the project, you will be
25 able to see the original building, uninterrupted by

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1 the new construction. That's why it steps the way
2 it does.

3 Also, we carved our addition over a
4 period of three or four hearings, as Jeff just
5 said, with the Review Board. We carved our
6 building here and here, away from the existing
7 building, so that the way you perceive this
8 building against the skyline is really not
9 interrupted, not changed in any significant way by
10 the new construction.

11 It was very important to the Review
12 Board and to us also, certainly, to get a reading
13 here of really three separate masses and to have
14 the center one especially be very distinct. We
15 will be able to achieve that.

16 This was a very early massing sketch.
17 We have developed the design quite a bit since
18 then, but I am showing you this mainly to indicate
19 our notion about the massing, which again you see
20 the space carved out here.

21 You see how these pavilions are low.
22 You see how we have these setbacks so that you
23 could imagine from Pennsylvania Avenue to the west
24 as well as to the east, you would be able to look
25 across this pavilion, over the top of it, and still

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1 understand this very rich Mediterranean-like top of
2 the building against the sky. So that, really, I
3 think, will be enhanced by all of the work that we
4 are proposing to do here.

5 This is another view that, I think,
6 more than the other one, allows you to understand
7 what the scale of the proposed addition is to the
8 existing building. This is taken from a pedestrian
9 viewpoint, looking to the east, and everything that
10 you see here in the foreground is existing
11 construction or reconstructed elements, and this,
12 of course, is the new part here.

13 The idea of the massing for this
14 portion of the project really came from looking at
15 this and looking at the way these wide pavilions
16 relate to the large mass. Essentially, you have a
17 large rectangular block here with two small
18 pavilions in front of it, and we took that theme,
19 that concept, and repeated it here to some degree,
20 with the large rectangular element here and then
21 the smaller pavilion in the front.

22 In terms of the facade treatment, the
23 materials, we are -- These are very current
24 drawings. They are not even finished. We are
25 working to develop these further to take them to

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1 the Review Board within the next two weeks. But we
2 are looking at a brick skin.

3 I have a couple of photographs here of
4 the Turkish Chancery that we completed several
5 years ago on Mass. Avenue. The reason I'm showing
6 you this is because it has some of the elements in
7 terms of the exterior facade materials that we hope
8 to use on the apartment building.

9 Our budget here, as you can imagine, is
10 not what it was here. However, we think -- or
11 maybe it will be, who knows? But we think we can
12 achieve many of the -- much of the character that
13 you see here in this building in this apartment
14 building. Of course, this also has somewhat of a
15 Mediterranean style or Mediterranean character to
16 it.

17 The notion is that we will use a light
18 color brick which will be different than the
19 existing brick on the central pavilion. It will
20 have a somewhat different shade. It will be
21 accented with pre-cast elements, and we are
22 dividing the building up into -- you can see an
23 upper attic story portion and then a main body here
24 that relates in terms of its horizontal cornice to
25 the height -- to some of the major cornice lines on

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1 the existing building. But the lower portion will
2 all be rendered in brick, in pre-cast, a little bit
3 of stone at the bottom.

4 Then we are using metal, glass and
5 aluminum in a similar way that we used it on the
6 Turkish Chancery here to connect the two pavilions
7 that you see here. They are connected with this
8 metal hyphen which is really meant to recall a
9 greenhouse type structure, and it is supposed to
10 relate -- meant to relate to the landscape a little
11 bit more, be a little bit lighter, a little more
12 transparent.

13 That is the kind of vocabulary we will
14 be using at the top of the building here for the
15 two penthouse floors, as well as for some of the
16 bays that will line all -- both street sides, 24th
17 and 25th, as well as the two inside faces of the
18 courtyard.

19 Here I am finally part of the case with
20 the retail. But let me start on the right here.
21 Although the building will have a single main
22 entrance which will occur through the historic
23 building, which is raised a full floor above L
24 Street, there is about a 15 foot drop across the
25 site. It will have a circular drive, the main

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1 entrance through here, the main lobby here, and
2 then access to three separate residential cores,
3 one, two, three.

4 So at this floor everything is
5 connected, and we are here one level above the
6 retail which faces 24th Street and 25th Street. So
7 the retail is below this main lobby level.

8 When you get up into the building, you
9 recall that the buildings separate here and here.
10 So once you get above the second floor, this
11 corridor no longer connects through. It becomes
12 three separate corridors, each one of them serviced
13 by its own residential elevator core, each one
14 serviced by two separate fire stairs. So really,
15 in effect, above the second floor it becomes three
16 separate buildings.

17 Now when you go to the level below
18 this, this is what everything looks like. We have
19 put a lot of the service down here as well as the
20 retail. On 24th Street we are able to get
21 approximately 13,000 square feet of retail, which
22 has frontage along here. So the entire
23 front of the facade here on the retail is exposed
24 to the street. This will not read like an English
25 basement. The floor of the retail will be within a

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1 foot or so of the grade at 24th Street. There is a
2 slight slope there.

3 On 25th Street -- Actually, before I
4 finish on this side, as the grade rises here, there
5 is a berm. As the grade goes up from here up to
6 here, we take that grade, that rise in grade, and
7 we wrap it around here as a berm which ends right
8 about here somewhere.

9 It's at this point here that the glass
10 to the retail gets exposed all along here. So,
11 again, it will be full retain frontage.

12 On the 25th Street side, because the
13 grades are a little different, and because we do
14 have an historic wall that wraps around the site
15 that we've been asked to keep by the Preservation
16 Review Board, we have taken the berm and we've
17 wrapped it much further around. We have wrapped it
18 all the way back to here, so that the retail only
19 gets an exposure along here.

20 That, apparently, is fine with the
21 supermarket. This is the side that we would put
22 the supermarket on, and we expect that this is the
23 side that would have multiple tenants.

24 In addition to that, we also wound up
25 placing the primary service access for the

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1 supermarket, for the retail, which requires quite a
2 bit of servicing in the loading area here, off of
3 this curb cut at 25th Street. So the trucks would
4 be able to pull in here, be in a dedicated service
5 area which also has the trash for the whole
6 building, and be able to pull out that way without
7 interfering with the other traffic in the building.

8 Adjacent to that we have a ramp which
9 takes you down to retail parking right below here.

10 That occurs on a level below this. That is also
11 shared as an alternative means of egress by some of
12 the residents.

13 The primary access to the garage for
14 the residents is actually on the other side. It's
15 right through here. This is dedicated to the
16 residential parking. It comes here. It turns and
17 then wraps down, and the parking covers pretty much
18 most of the footprint of the site that is not
19 occupied by the historic building.

20 So actually, I just had to say, it was
21 quite difficult fitting everything in. I mean
22 putting multiple retail tenants and a supermarket
23 under a residential building with an historic
24 building in the middle is very expensive, very
25 difficult to do, very expensive.

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1 Everything is extraordinarily tight,
2 but we think everything is working. We really only
3 probably, if anything, have inches to spare on this
4 floor, as we look around it.

5 Okay. So that's pretty much all I
6 wanted to tell you. If you have any questions
7 about this, I guess we should take them later,
8 right after our 30 minutes are up. Thank you.

9 CHAIRPERSON MITTEN: Thank you.

10 MR. GLASGOW: Next I would like to call
11 the traffic engineer, Mr. Wells. Could you please
12 identify yourself for the record and proceed with
13 your testimony.

14 MR. WELLS: Yes. Good evening. My
15 name is Marty Wells, President of Wells &
16 Associates, and we were retained by High Street
17 Columbia to conduct a traffic study.

18 Based on DDOT's request, we evaluated,
19 of course, the two driveways on 24th and 25th
20 Streets. We also looked at four off-site
21 intersections, the intersection of 25th and L and
22 Penn, the intersections of 25th and M, 24th and M,
23 and 24th and L.

24 We evaluated the morning and afternoon
25 peak hours, both today and in the future, with and

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1 without redevelopment of this property.

2 Our findings: These will be no
3 surprise to you. The intersection of 25th, L and
4 Penn, in fact, operates at or near capacity. The
5 intersections of 24th, 25th and M Streets have
6 adequate capacity to carry the peak hour traffic
7 that uses those intersections today. They, in
8 fact, operate at level of service A or B in the
9 morning. What we find in the afternoon, although
10 the intersections do have adequate capacity, that
11 some of the back-ups from Pennsylvania Avenue, K
12 Street, the arterials leading to the bridges cause
13 congestion at those intersections.

14 Our traffic study was based on 200
15 residential units and 28,000 square feet of retail
16 space. We have since evaluated the larger number
17 of units, 235 units. We find that that program
18 would generate about 110 morning peak hour trips,
19 207 afternoon peak hour trips. About a third of
20 those trips in the morning would be retail trips.
21 About two-thirds of those trips in the afternoon
22 would be retail trips.

23 Of the retail trips, about half of them
24 would be trips that are already on the street.
25 These would be trips that, for example, somebody

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1 going from work to home in the afternoon might stop
2 in one of the retail centers to pick up the
3 proverbial loaf of bread and quarter of milk.

4 Bear in mind that this site did
5 generate significant traffic volumes when it was a
6 hospital. An 82-bed hospital -- We estimate
7 because we weren't able to measure the driveway
8 counts, because the hospital is no longer there,
9 but an 82-bed hospital, we would estimate, would
10 generate about 88 morning peak hour trips, about
11 100 afternoon trips.

12 The residential uses alone would
13 generate fewer trips than that hospital generated.

14 Now the residential and the retail together would
15 generate a few more peak hour trips, new peak hour
16 trips than the hospital generated.

17 In the interest of time, our
18 conclusions are that the number of trips that would
19 be generated by this proposed development will not
20 change the existing or projected future levels of
21 service at the intersections we looked at. The
22 project, therefore, would have no significant
23 adverse traffic impact.

24 We also find that the amount of parking
25 that will be provided here or proposed to be

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1 provided here will be adequate. As Mr. Sherman has
2 said, the proposal is to provide at least one
3 parking space per unit. The average auto ownership
4 in this census tract for owner occupied dwellings
5 is about .7 automobiles per unit.

6 This proposal will result in no loss of
7 on-street parking. Thank you.

8 CHAIRPERSON MITTEN: Thank you, Mr.
9 Wells.

10 MR. GLASGOW: Mr. Sher, would you
11 please identify yourself for the record, and
12 proceed with your testimony.

13 MR. SHER: Madam Chair, members of the
14 Commission, for the record my name is Steven E.
15 Sher, the Director of Zoning and Land Use Services
16 with the law firm of Holland & Knight. I have
17 three minutes, and I'm going to make it quick.

18 You have a report before you, but I am
19 going to sort of just get to what I think is the
20 heart of this. If you turn to the existing zoning
21 map, which is three pages from the back, and you
22 look at the Columbia Hospital site, which is the
23 one marked R-5-D in the middle of the sort of left
24 center of the page, you can see that to the north,
25 to the south, to the west are already existing C-2-

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1 C zoning. The area to the east is R-5-B, but about
2 half of that is devoted to the west end library.

3 So what surrounds this site already is
4 commercial uses or existing nonresidential uses and
5 commercial heightened density greater than what is
6 proposed in this application.

7 Again, the current site is R-5-D, which
8 permits a 90 foot height and a 3.5 FAR. We would
9 not exceed those parameters in the total. The
10 basis for this application is to put in up to
11 28,000 square feet of retail.

12 Looking at the comprehensive plan
13 analysis, which begins on page 10 and runs
14 thereafter, the generalized land use map shows this
15 site as institutional, reflecting its previous
16 hospital use. But if you look at the character of
17 what is designated around it, assuming that it is
18 not institutional anymore, it is mixed use, high
19 density residential, medium density commercial to
20 the north and east, and mixed use, high density
21 residential, low density commercial to the south
22 and west.

23 So we've got mixed use, mixed use, high
24 density residential with some commercial. The
25 amount of commercial that we have put in here is

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1 clearly in the range of low density.

2 If you look at the land use -- excuse
3 me, at the housing and Ward 2 elements of the
4 comprehensive plan, there are consistent statements
5 about trying to get more residential in the city in
6 appropriate locations, particularly adjacent to
7 proposed employment centers and office areas.

8 There is a specific provision which
9 says "complete residential, non-hotel development
10 in the west end." That's in the Ward 2 plan.

11 My conclusion is that the project is
12 not inconsistent with the comprehensive plan, that
13 it is within the applicable height and bulk
14 standards of the regulations, and consistent with
15 the zoning immediately to the north, south, and
16 west, that it enhances the residential component of
17 the mix in the west end, that the PUD allows the
18 Zoning Commission to lock in what it is we have
19 committed to do, even though there is already a
20 covenant which locks in what we have committed to
21 do, and it is my opinion that you should approve
22 said project. Thirty seconds to spare.

23 CHAIRPERSON MITTEN: Thank you, Mr.
24 Sher.

25 MR. GLASGOW: This completes the

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1 Applicant's direct presentation.

2 CHAIRPERSON MITTEN: Thank you, Mr.
3 Glasgow. Any questions from the Commission? Mr.
4 May?

5 COMMISSIONER MAY: I have just a few
6 questions. The first question is a traffic
7 question, actually.

8 I am curious about the plan for
9 accessing the parking from 24th Street and 25th
10 Street. My recollection is that they are both
11 pretty narrow streets. I don't remember the
12 dimensions. They are probably in here somewhere.
13 I'm wondering about whether there are issues with
14 the traffic flow in and out of those garages,
15 whether it's going to be a problem.

16 I just have this vague recollection of
17 having trouble going down 25th Street with traffic
18 back when it was a hospital. I'm wondering is this
19 the right place? Was there consideration of other
20 ways to access the parking?

21 MR. WELLS: Let me -- Shalom may have
22 some comments on this as well, but let me take a
23 crack at it.

24 COMMISSIONER MAY: I went through the
25 architectural side at the very last second there, I

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1 know.

2 MR. WELLS: I understand. I thought
3 that's where you were going to come from. But the
4 acid test for us, because a grocery store is
5 proposed here, is can a semi-tractor trailer get in
6 and out of here, and we concluded that -- Using
7 swept area diagrams, we concluded, with the proper
8 geometry reflected on these plans for the driveway
9 apron, that in fact that could be done. Coming
10 southbound in 25th, a tractor trailer would back
11 into the dock and then leave cab out, turning left
12 out of the driveway.

13 If a tractor trailer can do it,
14 certainly an automobile can make those movements.
15 We conclude that the geometry is adequate without
16 removing curb parking to accommodate that.

17 COMMISSIONER MAY: Is there parking on
18 both sides of the street now?

19 MR. WELLS: There is, in fact,
20 residential permit parking on the west side of
21 25th, and there are three -- I believe there are
22 about 10 spaces between the alley and L Street, and
23 there are three meter spaces on the project side of
24 the street.

25 COMMISSIONER MAY: Okay. I guess the

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1 architectural side of that question: Did you look
2 at other ways of bringing the parking in, because
3 it's -- I mean, you have access to the site from
4 every side. I know there are, obviously, reasons
5 why you wouldn't want to go in through the front,
6 although it would make sense from a -- in a three-
7 dimensional way to be able to come in kind of at a
8 low point there and have -- You know, it would be a
9 natural sort of driveway entrance from the front
10 side, but I can see why you wouldn't want to do
11 that for aesthetic reasons, and I know that the
12 alley in the back sort of goes up from there.

13 I'm just wondering whether these were
14 really the only spots that were left as a result of
15 that or did you look at other ways to get parking -
16 - access to the parking?

17 MR. BARANES: We did look at many, many
18 different ways. Actually, at one point we even had
19 a scheme coming in from the front, but it was very
20 difficult to make that work, partially for some of
21 the reasons you stated, partially because once we
22 got down into the garage, it was very hard to get
23 the ramps to work with the historic building there.

24 Once we abandoned that approach, we did
25 look at different ways of dividing the access up

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1 between 24th Street and 25th Street, and we did
2 feel that this approach we have here is the best,
3 because it does pretty substantially separate the
4 residential traffic from the commercial traffic.

5 The primary access, as I said, for the
6 residential is on the east side, not on the west
7 side. We think that we are designing this so that
8 the residential use of the west side of 25th Street
9 there will be primarily egress oriented. The
10 ingress will be mostly off of the other side.

11 The access off the private alley would
12 have been very difficult, because it does slope up
13 very quickly, and it's quite steep, and also it's
14 difficult to get into the building once you are in
15 that alley, because it is so high.

16 So anyway, for all those various
17 reasons, we wound up where we are here.

18 COMMISSIONER MAY: Another question I
19 had was just about the alley itself and its --- I
20 mean the way it -- It's still just there, and the
21 building is just backing up to it. Is some of it
22 part of the property, and some of it is not? I
23 don't really quite understand that. Was there
24 other thought about how that could be incorporated
25 into the site, either for circulation of residents'

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1 vehicles or what have you?

2 MR. BARANES: Our adjacency to the
3 alley is really better shown in this drawing than
4 that drawing. Almost everything you see here is
5 below grade, below the alley.

6 So what we, in fact, have here is a
7 series of apartment units with windows directly on
8 the alley. Our property line -- This is a private
9 alley. It's really shared by both the owners to
10 the north and ourselves. So we don't have full use
11 of that.

12 We do intend to give some of these
13 units at grade here some private outdoor space,
14 where we can, and that still has to be negotiated
15 with the property owners to the north.

16 COMMISSIONER MAY: So you may be able
17 to break out a little bit and capture some of that?

18 MR. BARANES: Hopefully. They are
19 using it for access also. So it's going to be
20 quite limited.

21 COMMISSIONER MAY: It's a pretty broad
22 alley. It's as broad as the street, isn't it?

23 MR. BARANES: It's about 30 feet. Is
24 that what we have? Twenty. We have 20 feet total.

25 COMMISSIONER MAY: Oh, okay.

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1 MR. SHERMAN: It's not that wide. We
2 need to keep it open for fire access.

3 COMMISSIONER MAY: All right. I'm not
4 sure you can answer this question, Mr. Sherman, but
5 where did you find a supermarket that would take
6 12,500 square feet and no on-grade parking?

7 MR. SHERMAN: There aren't a lot of
8 them.

9 COMMISSIONER MAY: I know.

10 MR. SHERMAN: And the ones that are,
11 are very cocky, the ones that will. They are very
12 difficult to deal with, but we have one from
13 Philadelphia who is trying to enter the market who
14 is interested, and then we have -- I hate to commit
15 to this, but the one we are most further along with
16 is Trader Joe's. They are growing rapidly, and
17 they are the ones that we are having the largest
18 amount of discussions with, but they are also the
19 ones that are the most difficult right now, because
20 they feel that they are in the position of
21 strength. So they are asking for the world, and we
22 are trying to offer something slightly less than
23 that.

24 I think we will make some kind of an
25 arrangement with them, but --

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1 COMMISSIONER MAY: Right. Well, I
2 appreciate your sharing that information with us.
3 I assume that others are aware of this and would be
4 enthusiastic about it. I mean just the idea of
5 being able to get that kind of supermarket into the
6 building.

7 MR. SHERMAN Once you lose the handful
8 of people that build at this size, it becomes
9 difficult, because everybody else wants to do a
10 50,000 foot box in the suburbs with, you know, lots
11 of cars and street parking.

12 COMMISSIONER MAY: Street parking and
13 service parking. We know that well. Okay, thanks.

14 CHAIRPERSON MITTEN: Mr. Hood?

15 VICE CHAIRPERSON HOOD: Thank you,
16 Madam Chair. Mr. Glasgow, in your opening
17 statement you mentioned that this case is only
18 before us basically because of the retail
19 component. Am I correct?

20 MR. GLASGOW: That is correct.

21 VICE CHAIRPERSON HOOD: And in the -- I
22 think it's the 25th Street Association, Mr.
23 Baranes, can you show me where they are located;
24 because Mr. Glasgow mentioned that there was a
25 setback, and I don't believe the setback is on 25th

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1 Street.

2 Actually, if you put up the model view,
3 I think that would be better for us to look at it,
4 to help give me an understanding. The 25th Street
5 Association -- do you know the location where they
6 are located?

7 MR. BARANES: No, I don't.

8 VICE CHAIRPERSON HOOD: Oh, you don't?

9
10 MR. GLASGOW: We wanted to find that
11 out, because when it said that their property --
12 the distance is about 25 feet. The best that we
13 can tell, it's up the block from us on the other
14 side of the street. So it's at least 90 feet away.

15 VICE CHAIRPERSON HOOD: Okay. Maybe
16 I'll reserve that until they come to the table. I
17 wanted to find out the relationship, because when I
18 look at the setback and I figure 25th Street Condo
19 Association would be on 25th Street, I may be
20 incorrect. But I think the setback is on the front
21 side, at least the way I'm looking at it. Anyway,
22 that's a question I'll hold.

23 You answered a question about the
24 square footage to the supermarket. But what
25 concerns me is how we are working out the shared

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1 parking, the parking on the 25th Street side for
2 the supermarket as opposed to the parking for the
3 condos.

4 You mentioned, Mr. Baranes, that it
5 would be shared parking. I guess the condo
6 association will work that out along with the
7 retail. I really would think that they would need
8 some guidance, because I just don't see how that
9 would work. Maybe you can expound upon it or let
10 me know.

11 MR. BARANES: Sure. This is the
12 parking level just below the retail, and the way it
13 works is that the retail has access through here.
14 It's a ramp that comes down, comes down to here,
15 and then this whole area here is reserved for the
16 retail.

17 VICE CHAIRPERSON HOOD: Retail only?

18 MR. BARANES: Retail only on this
19 level.

20 VICE CHAIRPERSON HOOD: Okay. Now
21 where is the area that's going to be shared also
22 where the condos will be able to also utilize that
23 side? At least, I thought that is what you
24 mentioned.

25 MR. BARANES: They can share access.

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1 For example, there's a gate across here. All of
2 this and everything below here is residential
3 parking, and the primary access to this residential
4 parking is through this ramp right here.

5 Now if someone -- If a resident is
6 parked here, that resident could drive across here,
7 go through this electronic gate, and then take this
8 ramp up and go either north or south on 25th
9 Street.

10 VICE CHAIRPERSON HOOD: Okay. If I'm a
11 resident and I decide to park in the residential
12 area, I guess -- Has there been any thought how we
13 are going to work that out? I guess, if I decide
14 to park in the residential -- I mean in the
15 commercial area where the supermarket is, and
16 actually I should be parking where the residents
17 are supposed to be parking -- I see that just
18 causing a problem. Maybe that will be worked out
19 later, but it's something for thought, I believe.

20 MR. BARANES: It will be worked out
21 very carefully, because the residents will all be
22 assigned spaces. Do you want to talk about that?

23 MR. SHERMAN: Yes. We intend to
24 provide one parking space per unit as part of the
25 sales process. So they will buying a space, and it

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1 will be assigned if you are a resident. So you
2 will have an assigned residential space within the
3 building.

4 If you try to park in the space that's
5 reserved for retail and you are not out of there
6 within an hour, you are going to get a mighty big
7 charge to get out, and we are going to keep a close
8 eye on you, and we are going to ticket.

9 VICE CHAIRPERSON HOOD: That's what I
10 was wanting to hear.

11 MR. SHERMAN: We are going to ticket
12 you and pull you out of there with a tow truck, if
13 you are not paying attention.

14 VICE CHAIRPERSON HOOD; That's actually
15 what I wanted to hear, how it was going to be dealt
16 with.

17 The other question is the Office of
18 Planning, and I see where you have, obviously,
19 agreed to it in your submittal, dealing with the
20 DOES agreement. One thing that I always like to
21 see, and I would encourage the Applicant, if you
22 could, if you know of things in advance of jobs
23 that may be coming down the pike, if you can kind
24 of let the pool over at DOES know in advance what
25 those jobs are, so when it comes time to go into

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1 that pool, we won't hear the normal quote, "nobody
2 is qualified." So maybe they can get their pool
3 together and get them up to speed.

4 Mr. Glasgow, also in the Office of
5 Planning report, and when we set this down, there
6 was an alternative. I'm hearing more tonight of
7 the C-2-C. Has the other alternative, the
8 establishment of -- which may take some time, of
9 high density residential/retail overlay over the
10 current underlying 5-B district -- is that still up
11 for discussion?

12 MR. GLASGOW: Due to the timing as to
13 where we are right now -- and that's why we wanted
14 to move forward with the C-2-C originally, because
15 there had been some discussions early on with the
16 Office of Planning that this high density
17 residential overlay was being discussed, and we
18 were very concerned that it would not be able to
19 keep pace with the timing that we needed to have.

20 I think everybody recognized that, and
21 that's been borne out now. So we are not --

22 VICE CHAIRPERSON HOOD: So that's off
23 the table?

24 MR. GLASGOW: We are not looking at
25 that at this point in time.

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1 VICE CHAIRPERSON HOOD: Okay. I was
2 just wondering if you wanted to wait around. Who
3 knows when that is going to happen.

4 MR. GLASGOW: No, sir.

5 VICE CHAIRPERSON HOOD: That's all I
6 have. But I would like to say, while I don't know
7 whether this is going to be voted up or down, I
8 would like to applaud the Applicant for his
9 efforts. I've been here for a couple of years, and
10 I now see ANC-2A. I was wondering if I was going
11 to ever see them come down in agreeance with
12 something.

13 While I'm not making that very lightly,
14 what I'm saying is I think that it's well deserving
15 of the ANC to protect their neighborhood, and I
16 applaud them. But this shows that this Applicant
17 has really reached out to the community, and I want
18 to commend them for that. Thank you, Madam Chair.

19 CHAIRPERSON MITTEN: Thank you, Mr.
20 Hood. I, too, think that the project is great, and
21 I think it's very exciting, and this is consistent
22 with what we are trying to -- that we hope to
23 eventually accomplish with the high density
24 residential/retail overlay.

25 Along those lines, I just really have

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1 one question, which is: I believe, Mr. Glasgow,
2 that you made a distinction in your opening
3 statement, that the Applicant would like the
4 flexibility to provide up to 28,000 square feet of
5 retail, as opposed to what the Office of Planning
6 was recommending, which was at least 28,000 square
7 feet of retail.

8 What we are hoping to accomplish
9 eventually through that HDRR overlay is that the
10 space set aside for neighborhood serving retail.
11 So is there a commitment to a minimum amount?

12 MR. GLASGOW: Mr. Sherman, you want to
13 address the potential for a minimum amount, in
14 response to the question of the Chair?

15 MR. SHERMAN: I don't honestly know
16 what number to tell you. I mean, we are in the --
17 As we just discussed about grocery stores, there's
18 a certain number of them that will do business in
19 this size range and, if we, for some reason, fail
20 to get them in there, then I don't know what I
21 would do next in terms of solving the grocery store
22 problem.

23 I will have a minimum commitment to
24 community serving retail on the other side.

25 CHAIRPERSON MITTEN: Okay.

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1 MR. SHERMAN: Because I know I will be
2 able to get a hardware store. They average about
3 3500 feet. Then the pharmacies come in around
4 3,000 feet and that kind of thing. So I'll be able
5 to make that side work, but the reason we have
6 asked for flexibility up to 28,000 is that at this
7 point where we are in the negotiations, I just
8 don't know how we are going to settle out.

9 So if we want to pick some number that
10 says -- I'm making this up as I sit here answering
11 your question. But if you said 10,000, I could
12 respond to that. It's just that --

13 CHAIRPERSON MITTEN: How much retail
14 space is on the 24th Street side?

15 MR. SHERMAN: It's split pretty evenly.
16 It's split about 13 and -- 14 and 14 on both
17 sides, basically, which adds to 28. That's the
18 reason we are physically limited to no more than
19 28,000 feet. We just don't have anymore footage
20 for that.

21 CHAIRPERSON MITTEN: Okay. So if we
22 did pick a minimum number as opposed to 10,000, if
23 you said 24th Street, you can make that work.
24 Would you be willing to commit to a minimum of
25 14,000?

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1 MR. BARANES: 13,300.

2 CHAIRPERSON MITTEN: Or 13,300, to be
3 more precise.

4 MR. SHERMAN: Yes, with the
5 understanding -- Well, let me tell you why I came
6 back and said 10.

7 CHAIRPERSON MITTEN: Okay. Make sure
8 you are talking into a microphone.

9 MR. SHERMAN: Here's the challenge
10 right here. Okay? This is deep space. Okay? By
11 the time you get that deep, you are limited to the
12 number of people that are interested in it.

13 So if I can't get the right kind of
14 tenant in there, then what's going to happen is,
15 you know, they will cut off right there, and they
16 will say I don't want that space. What will
17 probably happen is it will end up as storage space.

18 CHAIRPERSON MITTEN: Okay. Then what
19 would you foresee doing with the space on the 15th
20 Street side, if you can't work out a deal with a
21 grocery store?

22 MR. SHERMAN: Well, we'll try very
23 hard. But if for some reason we cannot get there,
24 then I will probably then go to not a full service
25 grocery store but some kind of a food serving

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1 operation that is more local in orientation.
2 There, the problem is they range in size from three
3 to four to 5,000 feet. They don't get that big.
4 But I'll try that for a while and see if I can't
5 get somebody in there.

6 If for some reason that completely
7 fails, then I would be obligated to go back to the
8 community and say I failed, and I'd have to pay
9 them a little bit more money, and then we would
10 have to use the space for some other use.

11 CHAIRPERSON MITTEN: Okay. I hope you
12 are as tenacious as you sound.

13 MR. SHERMAN: We're trying to be.

14 CHAIRPERSON MITTEN: That's great,
15 because I would love to shop there myself. All
16 right.

17 Let me ask if, Mrs. Miller, do you have
18 any questions, cross-examination questions? Would
19 you turn on the microphone for me?

20 MS. MILLER: No, I don't have any
21 questions.

22 CHAIRPERSON MITTEN: It went off again.

23 MS. MILLER: I don't have any
24 questions, because we have heard them give it, and
25 we saw them before the Historic Preservation Review

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1 Board and the others. So we are pretty well
2 informed.

3 CHAIRPERSON MITTEN: Okay. Thank you.

4 Mrs. Glineur, did you have any cross-examination
5 questions? You need to come forward and get on a
6 microphone. Please just introduce yourself for the
7 record when you speak the first time.

8 MS. GLINEUR: Yes, Nicole Glineur.

9 MS. SPERLING: And Aliza Sperling.

10 CHAIRPERSON MITTEN: Okay. We are only going
11 to have one person representing the party, and you
12 don't need to use the handheld, if you are sitting
13 at the table.

14 MS. GLINEUR: Well, thank you very much
15 for this opportunity. First of all, we would like
16 to qualify that the flexibility of the system did
17 not allow us that we are just looking for
18 consultation and compensation.

19 CHAIRPERSON MITTEN: Okay, let me just
20 tell you how this procedure works.

21 MS. GLINEUR: Sure.

22 CHAIRPERSON MITTEN: At this juncture,
23 because you are a party, you are given the
24 opportunity to ask questions of the Applicant's
25 witnesses. So it's strictly about questions at

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1 this point.

2 MS. GLINEUR: All right. What is the
3 height of the building on the 25th Street side?

4 MR. BARANES: Our measuring point is on
5 the east side, and there we are 90 feet. But
6 because there's a grade change to the other side,
7 measure on that side, it's 95 feet off the curb,
8 but less off the berm, obviously.

9 CHAIRPERSON MITTEN: Okay, 95 feet off
10 the curb.

11 MS. GLINEUR: Does that correspond to
12 10 floors, more or less?

13 MR. BARANES: Yes.

14 MS. GLINEUR: Have you consulted with
15 the neighboring development which is going to take
16 place about the same time, which is also going to
17 have a lot of parking lots as well as retail and
18 residential areas?

19 MR. BARANES: We have, but I believe I
20 should let Mr. Sherman answer that.

21 MR. SHERMAN: We have. That is being
22 developed by the JBG Companies, and we actually
23 have a shared reciprocal easement agreement between
24 parties, and we've spent a lot of time together,
25 and we are coordinating construction right now,

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1 even as we speak.

2 MS. GLINEUR: The question is asked,
3 because the traffic study and the other studies
4 which have been done have been done strictly
5 related to that particular building, and we are
6 looking --

7 CHAIRPERSON MITTEN: Let me have Mr.
8 Wells come forward, because I believe his testimony
9 was that he took into consideration new projects
10 that are planned or underway. So could you just
11 clarify that for the record?

12 MR. WELLS: We did take into explicit
13 account the new residential buildings that would be
14 built north of here. We were requested to do that
15 by DDOT. In fact, we did that.

16 CHAIRPERSON MITTEN: Thank you.

17 MS. GLINEUR: Thank you. There are a
18 few more questions that my colleague will ask.

19 CHAIRPERSON MITTEN: As I said earlier,
20 I just want one person representing the party. So
21 if you could just be that person, it's more
22 efficient for the Commission.

23 MS. GLINEUR: Well, sorry. We've all
24 been traveling, and we haven't had a chance to
25 consult. Could I ask an exception, and could she

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1 just present these questions?

2 CHAIRPERSON MITTEN: At this point,
3 it's probably quicker. So let's do that.

4 MS. SPERLING: Thank you. Has there
5 been a study on how much light will be blocked off
6 from the 25th Street residents?

7 MR. BARANES: We've not done any shadow
8 studies.

9 VICE CHAIRPERSON HOOD: Madam Chair,
10 excuse me. Maybe this is inappropriate, but I
11 would like to know where they are first.

12 CHAIRPERSON MITTEN: That's good.

13 VICE CHAIRPERSON HOOD: And why they
14 are asking questions. Then I can have a better
15 understanding.

16 CHAIRPERSON MITTEN: Can you put up the
17 model drawing again? That would be fine, too. Ms.
18 Sperling, could you show us where your building is
19 located? Just point to it. Mr. Baranes, your mike
20 is not on or else you are not holding it close
21 enough.

22 MR. BARANES; Is this better?

23 MS. SPERLING: We are located right
24 here.

25 MR. BARANES: Okay.

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1 CHAIRPERSON MITTEN: Okay. So what we
2 are looking at is the property on the west side of
3 25th Street that's just south of where the alley
4 would cut across -- the private alley would cut
5 across, if we were drawing a straight line. Okay.

6 VICE CHAIRPERSON HOOD: Thank you.

7 MS. SPERLING: My next question is if
8 parking will be free for customers of the
9 supermarket and the other commercial space?

10 MR. SHERMAN: The answer is yes, but
11 only for a certain period of time, and that is to
12 prevent them from parking there and then staying
13 there permanently. So if they haven't been out in
14 -- it will be about an hour, hour and a half. If
15 they shop there and they still haven't removed
16 their car, then there will be a charge.

17 MS. SPERLING: How many spaces will be
18 permitted?

19 MR. SHERMAN: Well, right now, as I
20 said earlier, we've offered them 30 spaces. They
21 have asked for 60, and we will probably end up with
22 some number in between. I would anticipate, at the
23 end of the day we will probably come in around 40
24 spaces.

25 MS. SPERLING: Thank you.

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1 CHAIRPERSON MITTEN: All right. I
2 think we are ready to move to the report by the
3 Office of Planning now.

4 MR. JACKSON: Madam Chair, members of
5 the Commission, my name is Arthur Jackson from the
6 Office of Planning, and I am going to briefly go
7 through our report.

8 Basically, we are standing on the
9 record, but I will highlight the principal issues
10 that we think are covered by the Applicant's
11 presentation and their application.

12 Briefly, we endorse the project in that
13 it addresses a number of the needs the community
14 has expressed, particularly with regard to home
15 ownership opportunities and the provision of ground
16 floor retail.

17 We note that, with respect to the
18 evaluation standards under Section 2403 of the
19 Zoning regulations, we think they meet all of those
20 standards such that it does provide -- The relative
21 value of the project amenities and benefits offered
22 is greater than the actual incentives that are
23 requested, which essentially is the ground floor --
24 ability to provide ground floor commercial uses.

25 We note that there are comments

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1 received from the -- well, discussed with the
2 Department of Transportation. We talked to
3 Department of Police and Fire. The police did send
4 back a response, but I think the response -- In the
5 response, they were unaware of the fact that the
6 Applicant will provide at least one space per
7 resident, and was provided retail parking. So they
8 just wanted to make sure that there was some
9 parking provided on-site.

10 We note that they worked very
11 diligently with the HPRB -- sorry, the Historic
12 Preservation Review Board -- in addressing their
13 concerns and issues, and even at this point are
14 still working with them to develop this project to
15 be as supportive as it can possibly be to the
16 existing historic building and its surroundings.

17 Based on all this cooperation and the
18 advance of the project, we recommend the
19 conditional approval based on the Applicant
20 providing at least 150 to 200 residential units,
21 off-street parking equal to 285 spaces or at least
22 one parking space per residential dwelling unit,
23 that designating at least 28,000 square feet of
24 ground floor commercial space, that the ground
25 floor commercial uses be limited to those uses

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1 identified in Sections 701 and 721 of the Zoning
2 regulations as neighborhood serving commercial, and
3 that the Applicant participate in the DOES first
4 source employment program, and that a signed
5 agreement be added to the file.

6 We have noted the Applicant's interest
7 in getting some relief for some of these
8 requirements. I would indicate that the reason
9 that the Office of Planning was requesting that the
10 signed agreement be added to the public record is
11 only because, if there is a specific time by which
12 the Applicant has to provide the document, then we
13 know it will be in the file. In the past, I think
14 there have been occasions where, when the document
15 may not have been provided but there was no point
16 at which to catch that missing item. So that's why
17 we asked for that last provision.

18 As to the 28,000 square feet of ground
19 floor commercial space, as you know, in our
20 previous discussions about the HDRR overlay one of
21 the reasons that we developed this proposal was
22 because we wanted to develop a critical mass of
23 available retail space within the area.

24 Under HDRR, if this tool is available,
25 a new project on the site would have to provide .5

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1 FAR of ground floor retail. At this point, this
2 application is providing .28 FAR, which is less
3 than what would be required before.

4 Now if they reduce that further, it is
5 acceptable given the correct circumstances.
6 However, we would like to see the provision as much
7 available ground floor retail space be provided in
8 order that in the future, assuming that at the time
9 when we consider development of the adjacent
10 property on Square 25, that the developer of that
11 property would, hopefully, achieve that critical
12 mass. That would allow us to provide the level and
13 degree of retail space in the area that the
14 community needs and demands.

15 So with that, those comments, we would
16 encourage the Commission to require -- if they
17 should decide to allow for reduction, to require a
18 minimum amount be provided, whatever range you feel
19 is appropriate.

20 In conclusion, we again support this
21 project. We think that the proposal as presented
22 offers a lot that the community can take advantage
23 of, and that will aid the long term planning
24 objectives of the area. We look forward to them
25 breaking ground sometime in the near future.

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1 That concludes the Office of Planning
2 report, and we are available to answer questions.

3 CHAIRPERSON MITTEN: Thank you, Mr.
4 Jackson. I appreciate you reminding us of what we
5 were trying to achieve with the HDRR overlay or
6 what we continue to try to achieve. This is
7 really, I think, a special case, because they don't
8 even have .5 FAR -- The whole first floor probably
9 barely occupies .5 FAR. So this is a challenge,
10 and I think they are doing their best to meet that
11 challenge.

12 There was the -- The Applicant is
13 requesting flexibility to build as many as 235
14 residential units, providing, of course, that there
15 is one parking space per unit minimum, and also for
16 flexibility regarding the changes in the design
17 that they may need to work through with the HPRB
18 and so forth. So what is the position of the
19 Office of Planning on those requests for
20 flexibility?

21 MR. JACKSON: Well, obviously, we think
22 that, because they have -- Our Historic
23 Preservation Review Board and staff has worked so
24 successfully with them in the past. I don't see
25 that changing.

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1 With regard to the numbers of
2 residential home ownership opportunities, again I
3 think between the addition of additional retail
4 opportunities in the area and home ownership
5 opportunities, I think the ANC and the Office of
6 Planning would really want to encourage as many
7 home ownership opportunities as possible.
8 Particularly if they are able to provide the
9 additional housing, provide some retail and have
10 more -- at least one parking space per unit, I
11 think this is nothing but a benefit for the
12 community.

13 CHAIRPERSON MITTEN: All right, thank
14 you. Any questions from the rest of the
15 Commission?

16 VICE CHAIRPERSON HOOD: Yes, Madam
17 Chair, I want to ask Mr. Jackson if he could repeat
18 what he said about the Department -- or DOES
19 agreement. I didn't follow that.

20 MR. JACKSON: Well, okay. Well, if you
21 look at our report, what we were asking is that the
22 DOES agreement be added to the file prior -- to the
23 public record prior to the proposed action.

24 Now, of course, the thought would be
25 that, if the Commission set a date for the proposed

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1 action, then when the action was taken, the DOES
2 agreement would be in the file such that it would
3 not be a case of having someone in the Office of
4 Zoning having to make sure that the item is in
5 there before it goes over, or make sure that if the
6 item comes in, it's placed in the file before it
7 goes over.

8 So it's just having a date certain when
9 it would be available.

10 VICE CHAIRPERSON HOOD: Okay. So you
11 are saying, before we do a proposed action, we want
12 a signed agreement?

13 MR. JACKSON: Well, that's the
14 recommendation. Of course, if the Commission would
15 decide to make action tonight, I'm sure we could
16 depend on the representatives of the Applicant to
17 make sure that document got into the file at the
18 appropriate time.

19 VICE CHAIRPERSON HOOD: Well, I guess
20 my question was, catching the last end of it, I
21 thought the only reason we were even doing it was
22 to put it in the file. I wanted to make sure it
23 has some teeth in it.

24 I'll go back to my statement that I
25 made earlier to the Applicant. So that was just a

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1 misunderstanding on my part. Thank you, Mr.
2 Jackson.

3 CHAIRPERSON MITTEN: Mrs. Miller, did
4 you have any questions?

5 MS. MILLER: I have no questions.

6 CHAIRPERSON MITTEN: Okay, thank you.
7 Ms. Glineur, did you have any questions for the
8 Office of Planning?

9 MS. GLINEUR: No questions.

10 CHAIRPERSON MITTEN: All right. I
11 would note, as Mr. Jackson mentioned then, in terms
12 of reports from other government agencies, that we
13 do have a report from the Second Police District,
14 Metropolitan Police, and Mr. Jackson mentioned what
15 he thought was a misunderstanding that triggered
16 their letter.

17 Am I correct that we do not have a
18 report from DDOT?

19 MR. JACKSON: No, Madam Chairman. I
20 contacted the Department of Transportation and
21 asked whether they had a copy of the report, and
22 asked if they could get any comments to me. But my
23 understanding is that they did review it, and what
24 normally is the case, particularly with PUDs, is
25 that, if there were serious concerns, that we would

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1 have been notified. And we haven't heard anything.

2 CHAIRPERSON MITTEN: Okay. Are there
3 any other reports by any other government agencies
4 of which you are aware?

5 MR. JACKSON: No, Madam Chairman, but I
6 believe there is one coming from the Department of
7 Housing and Community Development that is in favor
8 of this application.

9 CHAIRPERSON MITTEN: Is anyone here
10 tonight representing Department of Housing and
11 Community Development or any other government
12 agency? MR. JACKSON: I was promised.

13 It hasn't arrived yet, but I'm sure it's coming.

14 CHAIRPERSON MITTEN: Okay. Thank you.

15

16 I think we are ready for the report by
17 the ANC now.

18 MS. MILLER: I am Dorothy Miller, Chair
19 of the ANC-2A, and we took a vote to ask Richard
20 Price, whose single member District it is, and he
21 knew that he might not be able to be here. So we
22 have also asked that Elizabeth Elliott give his
23 report -- our report, if you don't mind.

24 CHAIRPERSON MITTEN: All right. I
25 thought I saw him earlier. I guess he went away.

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1 Okay. Would you turn the mike on?

2 MS. ELLIOTT: Good evening, Chairperson
3 Mitten and Commissioners Hood and May. I am not
4 Richard Price. I am Elizabeth Elliott, and I am
5 the immediate past Chair of the Advisory
6 Neighborhood Commission 2A, and I am here this
7 evening to present and to represent for the ANC the
8 views of our ANC regarding our wholehearted support
9 of the proposed redevelopment and adaptive reuse of
10 the now historically landmark, Columbia Hospital
11 for Women, site.

12 Working together and with the
13 administration of the Columbia Hospital for Women
14 in the kinder, gentler era of 1987, our then-
15 elected Advisory Neighborhood Commission and our
16 citizens group, the Foggy Bottom Association, had
17 the foresight to protect our community by creating
18 a passive but potentially very valuable asset.

19 The ANC, along with the FBA, entered
20 into an agreement and covenant with the Columbia
21 Hospital that runs with the land and limited the
22 development of the site to considerably less than
23 matter of right development.

24 Many of the community members,
25 Commissioner Price included, and leaders involved

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1 with that agreement were, and are, long term
2 residents of Foggy Bottom-West End and are still
3 active in our community matters. So it does show
4 the commitment that our residents have toward our
5 Foggy Bottom neighborhood.

6 Sixteen years later in the spring of
7 2002, the Columbia Hospital for Women ceased to
8 operate as a hospital. In August of 2002, the
9 Board of Directors of the Foggy Bottom Association,
10 our 50-year-old nonprofit citizens association
11 whose membership represents nearly 500 households
12 throughout Foggy Bottom-West End, immediately began
13 working with the new property owner, High Street
14 Columbia Limited Liability Corporation, a wholly
15 owned subsidiary of Trammell Crow, to ensure the
16 maximum value of our asset for the entirety of the
17 Foggy Bottom-West End community.

18 The immediate goal was to convert our
19 asset into a permanent vehicle for the continued
20 protection and enhancement of our residential
21 neighborhood, as well as to seek superior benefits
22 for the city as a whole. We believe these
23 important goals have been achieved in this
24 presentation tonight by Trammell Crow.

25 In a very public process over a period

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1 of many months with the review of and the unanimous
2 support from the ANC and the community as a whole,
3 the Foggy Bottom Association, led by its President
4 and Board of Directors, negotiated an agreement
5 that we believe will create a turning point for
6 Foggy Bottom-West End.

7 Trammell Crow's application for a PUD
8 project to redevelop the Columbia Hospital for
9 Women represents the end product of this long and
10 diligent effort between the Trammell Crow Company
11 and the community to find a solution for
12 development of a pivotal block in our neighborhood.

13 After many false starts, including the
14 1970's failed plan for the West End, which you have
15 heard Commissioner Price comment about in a number
16 of appearances here before the Commission, and
17 after years of what we perceive as anti-resident
18 overdevelopment by our numerous nonprofit
19 neighbors, not to be mentioned here tonight, we
20 believe the Columbia Hospital for Women signifies
21 the first step in the revitalization of the
22 permanent, taxpaying residential community here in
23 Foggy Bottom-West End.

24 In recent years, this Commission has
25 strongly urged neighborhood groups to attempt to

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1 work with private developers to find solutions that
2 avoid the need for contentious litigated zoning
3 cases; and as the Commission knows, there have been
4 a number of lengthy and hard fought zoning cases in
5 the Foggy Bottom-West End area over the past
6 decade.

7 While we originally thought that this
8 project offered an opportunity to avoid a contested
9 case proceeding through a straight rezoning, we now
10 agree with the Office of Planning's and the Zoning
11 Commission's approach to maintain the underlying
12 residential zoning through implementing the PUD
13 solution for this project, and we thank both OP and
14 the Commission for your insight in this and your
15 direction in that matter in support of this project
16 as a PUD.

17 To recap, this application achieves a
18 number of important goals of the comprehensive
19 plan, including the designation of the hospital
20 building and its site as an historic landmark,
21 providing us with another resource in our
22 community, historically; the provision of
23 additional housing in a neighborhood that has lost
24 tremendous amounts of permanent resident housing in
25 recent years; the provision of much needed

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1 neighborhood-serving retail -- we are desperate for
2 a grocery store down here, and we hope this is
3 going to be finally -- at long last it is going to
4 appear in the neighborhood; the stabilization and
5 revitalization of Foggy Bottom-West End as a
6 permanent residential neighborhood.

7 For us in Foggy Bottom-West End, the
8 project achieves two other important goals. It
9 preserves and actually expands the green space on
10 the site, and you have heard from the Applicant
11 tonight how they are going to expand what is
12 already on the site, and we have gotten a
13 commitment from them that they will continue to
14 work with us about this green space. It is very,
15 very important to us, as our neighborhood gets even
16 more developed.

17 Through its design, it assures that we
18 will -- and this is a direct quote from
19 Commissioner Price -- and through its design, it
20 assures that we will not have one more 90-foot box
21 stretching from property line to property line in
22 the West End.

23 One thing that I did want to mention.
24 We talked about this when I was still Chair of the
25 ANC, and the current ANC continued this discussion

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1 about that area. There is a very special ambience
2 on the southern portion of that site. It is almost
3 like a little town.

4 I don't know how it's happened, because
5 you have that huge intersection with all the
6 traffic at Pennsylvania and L. But for about a
7 three block area, it is actually very quiet, and it
8 is kind of a nice residential street with lots of
9 trees and a very pleasant experience over there.

10 One thing we do not want is to have M
11 Street recreated on that stretch. So one of the
12 reasons we like the location of the retail is that
13 we don't have some sort of a strip along L Street,
14 and we've had a lot of discussions about that. So
15 I wanted to get that on the record tonight.

16 We thank you for considering the
17 Applicant's presentation, and urge you to approve
18 this PUD. If you have any questions, I'd be happy
19 to answer them.

20 CHAIRPERSON MITTEN: Thank you, Ms.
21 Elliott. Any questions? Mr. Glasgow? I'm sorry,
22 I forgot to ask you if you had any questions for
23 Mr. Jackson, too.

24 MR. GLASGOW: No, no questions for Ms.
25 Elliott.

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1 CHAIRPERSON MITTEN: Sorry. Ms.
2 Glineur, any questions for the ANC representative?
3 You need to come forward and get on a microphone.

4 MS. GLINEUR: Thank you. One question,
5 please. How would you see that the M Street
6 symptom is not replicated on the 25th Street with
7 the proposed height?

8 MS. ELLIOTT: I'm not sure what M
9 Street symptom you are talking about.

10 MS. GLINEUR: Perhaps I misunderstood,
11 but I thought that you mentioned that the M Street
12 symptom should not be replicated to this
13 development.

14 MS. ELLIOTT: I'd like to expand a
15 little bit on my comment. What I was speaking of
16 is M Street in Georgetown, not so much -- Well, so
17 much M Street on the other side, not because of the
18 height -- because of the amount of traffic that is
19 on that avenue.

20 MS. GLINEUR: Thank you.

21 MS. ELLIOTT: I'd like to make one more
22 comment that I forgot to mention in here.
23 Commissioner Price did meet with the 2501
24 Condominium Association, which is directly across
25 the street from the -- It's on 25th Street. They

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1 are in support. They were in support of the
2 project.

3 CHAIRPERSON MITTEN: Okay. Thank you.

4 All right, on my list of witnesses I have Barbara
5 Spillinger, representing the Foggy Bottom
6 Association as an organization in support. Is
7 there anyone else who would like to testify this
8 evening in support? Okay. Then we will have Ms.
9 Spillinger.

10 MS. SPILLINGER: Good evening, Madam
11 Chair, Commissioner Hood, Commissioner May. My
12 name is Barbara Spillinger, and I am here this
13 evening to represent as Vice President of the Foggy
14 Bottom Association, a citizen organization
15 representing local residents of Foggy Bottom-West
16 End portion of the city in which the subject
17 property is located.

18 I wish to confirm, as stated in our
19 letter of May 15 to the Zoning Commission, that the
20 Foggy Bottom Association strongly and
21 enthusiastically supports the proposed application
22 for a Planned Unit Development and zoning map
23 amendment for the former Columbia Hospital for
24 Women.

25 FBA and the developer have worked

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1 together from the beginning on this project, and we
2 have found the developer especially sensitive to
3 community priorities, such as the desperate need
4 for community-friendly retail, further increments
5 in the number of permanent, taxpaying residents in
6 the Foggy Bottom area -- in fact, parenthetically,
7 the developer has stated its goal of an 80 percent
8 owner-occupied building -- and the restoration and
9 preservation of the original 1915-1916 hospital
10 building.

11 As Professor Sol Shalit, a resident of
12 Foggy Bottom and a member of the FBA Board, so
13 succinctly said in his December 18, 2002, letter to
14 the Historic Preservation Review Board in support
15 of this project, the new development would bring
16 into our community quality residential, retail,
17 housing and retail, both in dire need, and would
18 spark its revitalization.

19 At the same time, I would like to thank
20 the Office of Planning and, in particular, Ellen
21 McCarthy who has met with the community several
22 times, for the careful examination and thorough
23 analysis given this project, and for the excellent
24 report submitted by OP for your review.

25 This project not only is consistent

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1 with the principles and objectives of the
2 comprehensive plan which declares as its first
3 precept the importance of stability for residential
4 neighborhoods, it is in keeping with the pronounced
5 objective of the Mayor to increase the permanent
6 residential base of the District by 100,000
7 persons.

8 FBA heartily endorses this project, and
9 encourages the Commission to do the same. Thank
10 you.

11 CHAIRPERSON MITTEN: Thank you, Ms.
12 Spillinger. Any questions? Mr. Glasgow? Mrs.
13 Miller? You could just shake your head. Okay.
14 Ms. Glineur? Okay, thank you very much.

15 All right. Now we are ready to take
16 the party in opposition. We are ready for you, Ms.
17 Glineur, to present your case, and you will have 15
18 minutes.

19 MS. GLINEUR: Thank you very much, Ms.
20 Chairman and gentlemen.

21 First, on behalf of the Condo
22 Association, we would like to qualify that we are
23 not against the development. We just would like to
24 look at consultation and compensation.

25 We are a little appalled that none of

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1 the neighbors were consulted, and we do thank the
2 Zoning Commission for having written directly to
3 us, despite a bit late in the game.

4 We would like, basically, to talk about
5 the environment -- social and environmental impacts
6 in the development perspective. We are welcoming
7 as neighbors the retail stores. I think all the
8 community is looking for that.

9 What we are concerned is the loss of
10 character of the 25th Street block between
11 Pennsylvania and M, especially due to the height of
12 the proposed buildings on the side of the street,
13 the two buildings which have obtained change in the
14 zoning regulations. We are clearly against the
15 height and the loss of character that it entails,
16 as well as the loss of light, the loss of view.

17 The loss of property value is an issue
18 as well. We are seeing a move away from residents,
19 which is why we would like to work with the
20 developers and the architects and the commissions
21 to help revert this move, because we do believe
22 that a sound development, the way it is planned,
23 can reverse that tendency.

24 We have seen more students and parents
25 of students buying apartments in our block and the

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1 neighboring blocks, and a lot of movement. We
2 would like to see more professionals, and we would
3 like to see more families. We also would like to
4 see more trees and more green spaces.

5 We are also concerned in the increase
6 of traffic in the already congested block. We
7 would like to know when the deliveries would be
8 made and when the trash withdrawals would take
9 place.

10 By the way, all the parking on both
11 sides of 25th Street are residential. There are no
12 meters at this stage. We are also concerned in the
13 decrease of the availability of the parking on that
14 street, and overall we are concerned about a
15 potential loss in quality of life.

16 Also, as referred to point number 5,
17 currently we have noise that is being taking place
18 due to the construction that has started of the
19 parking lot, and it has been late at night and
20 early in the morning. So, again, we would like to
21 be consulted and be aware of the quiet neighborhood
22 that this block was and of the fact that more and
23 more people seeing these developments are not
24 willing to stay.

25 On the impacts during construction, we

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1 would like to mention the noise from construction,
2 also from moving and idling trucks. You might be
3 aware that each time a truck comes in, goes out,
4 idles, you have this constant beep. Neighbors have
5 already been complaining.

6 Landscape disturbance: Currently, you
7 have two big parking banners which are not in the
8 spirit of this block that the people adhered to,
9 again back to the character of the block.

10 It also has spurred on weekends
11 recurrently idling of commercial buses from outside
12 town. Repeatedly, we have had to go and ask them
13 not to park there, indicating to them that it is
14 not a parking.

15 A third disturbance is ongoing and
16 future construction due to heavy truck traffic --
17 congestion, sorry, due to heavy truck traffic.
18 Then the fourth concern is air pollution due to the
19 heavy movement of dust.

20 These are basically our concerns. We
21 do not want to take more of your time. We do -- We
22 would like to prevail the character of the block,
23 and we do think it's possible in consultation with
24 all the partners involved.

25 We would like to see more consultation

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1 in the future for any type of development. We
2 would like to help these type developments very
3 strongly, and we would like to see also the
4 environmental and social impacts being considered
5 and compensated for. Thank you, Ms. Chairman.
6 Thank you, gentlemen.

7 CHAIRPERSON MITTEN: Thank you. Let me
8 ask, are you aware of the existence of the Advisory
9 Neighborhood Commission and the Foggy Bottom
10 Association and the West End Citizens Association?

11 MS. GLINEUR: We are -- We got together
12 as a block on 25th Street and wrote to the Zoning
13 Commission when the first building was announced,
14 and nobody had been consulted, and we never heard
15 from them.

16 We never contacted the Foggy Bottom
17 Association, because we were under the impression
18 that it was only looking at the Foggy Bottom side.

19 CHAIRPERSON MITTEN: How about the ANC?

20 MS. GLINEUR: The ANC, we were not
21 aware of.

22 CHAIRPERSON MITTEN: Okay, so you are
23 not aware of the existence of the ANC?

24 MS. GLINEUR: As of tonight, no.

25 CHAIRPERSON MITTEN: Okay. Because

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1 some of the issues that you are raising are not
2 really zoning issues, but I would encourage you to
3 get in touch with the ANC. Mrs. Miller is here,
4 and Ms. Elliott who is no longer a member of the
5 ANC but she is very involved. Mr. Price, I
6 believe, represents your area, and he can work with
7 you on some of the issues that you have raised.

8 So some of these, they are not zoning
9 issues, and they can't be addressed in this forum.

10 So I just wanted to let you know that that is --
11 they work very closely with some of the agencies to
12 resolve some of the issues you have raised about
13 idling buses and construction outside of the normal
14 hours and so forth.

15 MS. GLINEUR: Thank you very much, Ms.
16 Chairman. A question: What is the avenue for
17 working directly with the developers?

18 CHAIRPERSON MITTEN: Well, at this
19 point you can give us your comments. I mean, the
20 developers typically approach the ANC, because the
21 ANC is -- they represent -- they are the elected
22 representatives for the community. So that's where
23 the heavy lifting goes on.

24 MS. GLINEUR: As citizens, what are the
25 rights of the condo associations?

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CHAIRPERSON MITTEN: Well, I don't want to -- It's really not appropriate for you to sit and ask me questions, and I'm trying to be a little bit helpful, because you are, obviously, not familiar with the process. But basically to contact the developer, if you want to have an individual voice, you have to contact the developer and not wait.

This is very late in the game when something gets to the Commission, if you want to be involved in design changes, particularly since the project has garnered the support of several important groups, and the ANC is among the most important, that they get their support, and they have the support of the ANC.

MS. GLINEUR: That is clearly understood, but we have seen in similar developments elsewhere consultation directly with the parties affected, as manifested by the letters we each received, each condo received within the Association. We thank you for that, and this is in response to that concern and also to us being directly addressed, and we are here.

CHAIRPERSON MITTEN: I understand. And I don't mean to suggest that your concerns are not

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1 going to be taken into consideration, even at this
2 point. But in terms of trying to participate in
3 design changes, that needs to be done early on, if
4 you want to participate in that way.

5 Let me see if any other Commissioners
6 have questions. Any questions?

7 VICE CHAIRPERSON HOOD: Madam Chair, I
8 just had one or two. You mentioned the height.
9 Obviously, from your testimony I believe that there
10 is some other development going on around the area
11 which you are having some existing problems with.
12 There may have been a matter of right project that
13 would not have come before this Commission or any
14 board, which would have just -- they had the right,
15 because of the zoning, to go ahead and proceed with
16 construction.

17 Is there something else going on in
18 that area?

19 MS. GLINEUR: As far as I'm aware, the
20 height on the other side was limited to four
21 stories up to recently.

22 VICE CHAIRPERSON HOOD: Okay. My
23 reasoning for asking you is because you said you
24 weren't notified. Unfortunately, things that are a
25 matter of right we don't get notified. I have the

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1 same issues over in my area. They just show up.
2 You don't get notified. But I have to say -- I'll
3 go back to my previous statement. ANC-2A has been
4 one of the hardest working ANCs that I -- A lot of
5 ANCs don't show up for projects, but I don't
6 believe I've been here in five years that that ANC
7 has not been down here in front of us.

8 I'm sure, now that you've been brought
9 up to speed on that ANC that, hopefully, you can
10 get on board with them, and you all can work
11 together, because I'm sure they have an open ear;
12 because they have been here on every case within
13 their ANC. I haven't seen them miss one yet.

14 So that's something that may be able to
15 help you with that issue.

16 Again, your condo association -- You
17 are representing the whole condo?

18 MS. GLINEUR: Yes.

19 VICE CHAIRPERSON HOOD: Actually, you
20 are a little bit behind -- Where the proposed
21 private alley -- you are actually a little bit
22 behind that. Right?

23 MS. GLINEUR: We are right opposite to
24 it, perhaps leaning a little bit to the right.

25 VICE CHAIRPERSON HOOD: So there's only

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1 really a portion of your complex that --

2 MS. GLINEUR: Architectural measurement
3 would have to be taken to answer that question
4 precisely. I mean, we were a little bit amazed
5 also at the lack of precision on the other side. I
6 mean, we cannot be precise either.

7 VICE CHAIRPERSON HOOD: I'm not asking
8 you to be precise. I'm just trying to understand.

9 I don't get over there much because of traffic
10 issues, but I can tell you that -- and I've said
11 that before. But I can assure you that I'm just
12 trying to get a kind of a feel of exactly how you -
13 - You stated some issues here, some of which are in
14 our purview. Some of them are not. But you
15 mentioned light and air.

16 So I'm trying to get a reference, even
17 though it was pointed to me, a reference of exactly
18 how much your view may be being obscured, if it's
19 being obscured.

20 MS. GLINEUR: The view will be
21 obscured, because for the moment there is nothing
22 except the remote part of the -- Perhaps it can be
23 shown on the map -- of the Columbia Hospital that
24 is obstructing slightly the view, and it's not
25 really an obstruction. But there will be direct

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1 obstruction of light with the foreseen
2 construction.

3 VICE CHAIRPERSON HOOD: Let me just --
4 What remedy are you proposing?

5 MS. GLINEUR: We realize we are
6 stepping in late in the game, and at the risk of
7 being repetitive, perhaps for the future residents
8 should be consulted earlier. But we would like to
9 explore options with the developers. And again, we
10 are absolutely not against development. We are pro
11 development, especially this type of development,
12 which is done in a wonderful manner, and also to
13 the retail that it is going to bring to the
14 neighborhood.

15 We are concerned, as you are, about
16 traffic. We do think there are avenues to explore
17 to relieve the traffic. So again, it's a
18 consultation mode that we are looking for.

19 VICE CHAIRPERSON HOOD: No further
20 questions, Madam Chair.

21 CHAIRPERSON MITTEN: Mr. Glasgow, any
22 questions?

23 MR. GLASGOW: I don't have any
24 questions.

25 CHAIRPERSON MITTEN: All right. Thank

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1 you. Mrs. Miller?

2 MS. MILLER: I'd like to know how she
3 could have missed. We post 100 signs. So I would
4 like to know how you could have missed not knowing
5 about the ANC, not knowing that the ANC has taken
6 this up twice, plus the building across the street
7 from you, plus the other building, plus the other
8 two that are going up, and you had every
9 opportunity to see the plans and ask questions.

10 We will be happy, if you are not on the
11 mailing list, to put you on the mailing list.

12 MS. GLINEUR: Well, thank you very much
13 for this opportunity. We will look forward to it.

14 We are probably very nearsighted, but we didn't
15 see any postings or anything, and we are sorry we
16 missed. We are not here to, again, oppose. We are
17 here to consult and consolidate.

18 MS. MILLER: Well, see, that's what we
19 did in our meetings. That's the reason why I'm
20 asking and--

21 MS. GLINEUR: Sure. We appreciate what
22 you did, and apparently you've been doing a great
23 job, and it is much appreciated.

24 MS. MILLER: And so has Richard. He
25 posts 15 signs in your neighborhood.

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1 MS. GLINEUR: We haven't seen any signs
2 in the streets.

3 MS. MILLER: Oh, we don't put them on
4 the streets.

5 CHAIRPERSON MITTEN: Mrs. Miller, we
6 are going to ask you to continue this dialogue.

7 MS. MILLER: I just want to tell her
8 one more thing.

9 CHAIRPERSON MITTEN: All right.

10 MS. MILLER: If she will look at the
11 sign for the meeting next Wednesday, we are taking
12 up the Mayor's desire to have all of the tour buses
13 in the world come to Washington. She complained
14 about that. They are setting up a website.

15 CHAIRPERSON MITTEN: -- listen to her
16 in that.

17 MS. MILLER: Yes. If she will come to
18 the meeting, she can hear about why the buses are
19 parking where they are parking, if she would like
20 to know. If you would like to know.

21 MS. GLINEUR: Thank you very much. One
22 thing that needs to be realized is that, you know,
23 the Foggy Bottom Association may have not been as
24 concerned with the West End part, and speaking with
25 all the neighbors; because I consulted on the first

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1 building with a previous -- actually, a leader who
2 had given up, because they really hadn't been heard
3 -- and excuse me, I don't mean this to be
4 derogative -- neither by the Zoning Commission nor
5 the Foggy Bottom Association.

6 So it's just, you know, also a little
7 bit the homework done didn't sound too productive.

8 Thank you.

9 MS. MILLER: And I like to ask her why
10 she has not been able to pick up a copy or seen the
11 Foggy Bottom News, and they --

12 CHAIRPERSON MITTEN: This is getting a
13 little far afield of zoning issues now.

14 MS. MILLER: No, but the thing is, see,
15 all of this has been taken up. They have come
16 before both of us.

17 CHAIRPERSON MITTEN: Great. You guys
18 can talk about this later. Okay?

19 MS. MILLER: Okay. I just wanted her
20 to know, she's missed a great opportunity.

21 CHAIRPERSON MITTEN: Okay. Thank you.

22 Thank you

23 MS. GLINEUR: Thank you very much.

24 CHAIRPERSON MITTEN: Now I have a few
25 folks who have signed up to testify in opposition.

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1 One is Harriet Hubbard, but I don't see Mrs.
2 Hubbard here. Then Mr. Trimm, Boris Trimm? Anyone
3 else who hasn't signed up that would like to
4 testify in opposition? All right. Mr. Glasgow?

5 MR. GLASGOW: We appreciate the
6 Commission's taking the time to hear us this
7 evening. I think we did go through our
8 presentation relatively quickly, and we thought it
9 was very complete.

10 We do believe that we have met the
11 burden of proof in this case for this Planned Unit
12 Development. There are only a couple of minor
13 things that I did want to touch base on.

14 One was the condition suggested by the
15 Office of Planning. I think we've come to closure
16 on all of those: Up to 235 units; up to 325
17 parking spaces with the one-to-one, 31 to the
18 retail and then the rest would be allocated
19 according to need; 10,000 square feet minimum for
20 the retail, up to 28,000 square feet.

21 With respect to the DOES agreement, I
22 think that what would be most beneficial there is
23 if we can have that -- that that would need to be
24 in the record prior to the issuance of the order.
25 That would protect everybody, and it would allow us

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1 to proceed forward to get a decision.

2 We have some real time constraints that
3 we have had given. We started this process, I
4 guess, either last August or September, and I know,
5 when you get to the last hurdle, that you have to
6 come. It just so happened that it was the Zoning
7 Commission in this case, but there was a historic
8 landmark designation that we dealt with, and we
9 went through a lot of process, a lot of community
10 meetings, and we would like to get a preliminary
11 action by the Commission, if we could, this
12 evening.

13 As I say, we do believe that we have
14 met the burden of proof. One of the reasons why
15 I'm asking this, because I know it is a little bit
16 unusual when you do have a party in opposition in
17 the case, is that we haven't asked for anything
18 more than we could build from a height and bulk
19 standpoint than the underlying zoning already
20 permits.

21 If you took out the retail, we could
22 put that building exactly where it is, to the exact
23 height that it is, without having to come and go
24 through a process. So that is underlying why it is
25 that we would like to get this decision. Mr.

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1 Sherman has some real time constraints that we have
2 with respect to this, and there was some risk, and
3 developers are risk takers, but we took a risk
4 that, if we worked with the community very, very
5 hard, and that if we worked with the Office of
6 Planning and the Historic Preservation Review
7 Board, that we could meet some time constraints
8 that we had.

9 When you look at it in the abstract, I
10 guess you could say, well, a year is not
11 unreasonable to think that, if you are working very
12 hard with everybody, that you ought to be able to
13 complete the process. With the Commission being
14 out in August, we have some time constraints that
15 come up on us in September, and we would like it if
16 the Commission could accommodate on that.

17 Thank you for your attention.

18 CHAIRPERSON MITTEN: Okay, Thank you.

19
20 MR. JACKSON: Madam Chair, a question
21 of clarification. Now I was looking at -- During
22 Mr. Baranes' presentation, did you say the height
23 of the building is going to be 95 feet?

24 MR. BARANES: The zoning height of the
25 building is 90 feet. It increases by a few feet

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1 because of the drop in grade at one corner of the
2 site.

3 MR. JACKSON: I was just wondering if
4 you needed to ask for additional relief under 2405,
5 the five percent. If you don't need that, I was
6 just thinking you might want to address that now.

7 MR. BARANES: We do not need that.

8 MR. JACKSON: Okay, thanks.

9 MR. BARANES: Thank you.

10 CHAIRPERSON MITTEN: He was just
11 answering a specific question from the party in
12 opposition about the height relative to 25th Street
13 at that point.

14 Mr. May, did you --

15 COMMISSIONER MAY: I was wondering if
16 you were willing to entertain a motion on this?

17 CHAIRPERSON MITTEN: Let's do it.

18 COMMISSIONER MAY: Okay. Then, well,
19 subject to further discussion on conditions, I
20 guess, I would move approval of Case Number 03-11,
21 Consolidated Planned Unit Development and Map
22 Amendment from R-5-D to C-2-C at 2425 L Street,
23 N.W.

24 VICE CHAIRPERSON HOOD: Second.

25 CHAIRPERSON MITTEN: All right, we have

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1 a second. We have a motion and a second. Let me
2 just repeat for the ultimate in clarity what Mr.
3 Glasgow just ran down, which I believe -- and then
4 I would either ask you or I will address the
5 concerns of the party in opposition, that as a part
6 of the PUD that there will be flexibility to have
7 up to 235 residential units, up to 325 parking
8 spaces provided that there is one parking space --
9 a minimum of one parking space for each residential
10 unit; that there be a minimum of 10,000 square feet
11 of retail space, neighborhood serving retail space,
12 consistent with the cited sections of Chapter 7;
13 and up to 28,000 square feet of retail space; that
14 there be flexibility for changes in the design to
15 accommodate whatever final decisions are made by
16 HPRB, as long as those changes are consistent with
17 the R-5-D zone parameters; and that the signed DOES
18 agreement will be made a part of the record prior
19 to issuance of the final order in this case.

20 So those would be the conditions that I
21 would, I guess, ask you to adopt as part of your
22 motion.

23 COMMISSIONER MAY; Right. I was
24 looking for exactly that reiteration. You have one
25 that I had missed on my notes.

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1 CHAIRPERSON MITTEN: Okay.

2 COMMISSIONER MAY: So that is the
3 complete recounting.

4 CHAIRPERSON MITTEN: Okay. I would
5 like to just take the opportunity to address the
6 concerns of the party in opposition. We are not
7 insensitive to the issues that you raised, but what
8 Mr. Glasgow said at the outset is very important to
9 us, which is this project could go forward in
10 basically the mass that it has without any action
11 on the part of the Commission.

12 It is really about accommodating the
13 introduction of neighborhood serving retail use
14 that they are even in front of us. So there could
15 be a 90-foot building built across from your
16 property as a matter of right, and there would be
17 no public process.

18 As a matter of fact, if I'm reading Mr.
19 Sher's zoning map correctly, your property is zoned
20 C-2-C as well and could be developed to a much
21 higher degree than it is now as well.

22 So I'm satisfied that in this case that
23 the concerns are not arising from -- the concerns
24 of the party in opposition are not arising from the
25 action that we will take as part of this PUD

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1 relative to what could happen as a matter of right.

2 So I think that their concerns will be
3 addressed, if not satisfied. Is there anything
4 else you would like to add?

5 COMMISSIONER MAY: I would want to
6 underscore that point. I mean, we are in sort of
7 an unusual situation here in that we have an
8 applicant asking permission to do something that we
9 very much want done, and are going to a lot of
10 extra trouble to do it for us. Well, wouldn't it
11 all be great if every case came this way?

12 It really is exceptional, and we do
13 appreciate it. It's not done without consideration
14 of the concerns of the affected parties. We are
15 concerned and want to hear that and want to know
16 what the issues are. But in truth, if we left this
17 to matter of right, the neighborhood would wind up
18 with a worse building, and so we are -- I think
19 this is a very positive thing for us to consider,
20 and it's a very good case.

21 CHAIRPERSON MITTEN: All right. If
22 there is no further discussion, then I would --

23 VICE CHAIRPERSON HOOD: Madam Chair.

24 CHAIRPERSON MITTEN: Oh, I'm sorry.

25 VICE CHAIRPERSON HOOD: I would also

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1 just agree with both of my colleagues. While we
2 don't take the opposition lightly, the consultation
3 issues and the issues that were stated, I think,
4 can be addressed in another forum. I don't think
5 this would be the appropriate forum, and I think
6 the initial response to the Applicant to some of
7 the citizens' concerns about the retail, and our
8 concerns also, I think, shows the Applicant has
9 acted in good faith.

10 We also need to encourage 2A to
11 continue to work with applicants, because again
12 this is precedent setting for me in my tenure here
13 on the Commission, and I'm not making that as a
14 joke. I'm very serious. I think that this is
15 precedent setting. Maybe we can get this applicant
16 to work with other applicants throughout the city,
17 because it's good when you have a -- This is not
18 the forum set up to fight projects. When it comes
19 down to smooth sailing like this, it makes our jobs
20 a lot easier.

21 So it's appreciated. While we don't
22 take the opposition lightly, there are other forums
23 in which some of those issues could be addressed.
24 Thank you.

25 CHAIRPERSON MITTEN: All right. If

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1 there is no further discussion, then I would ask
2 for all those in favor to please say Aye. Those
3 opposed, please say No. Ms. Schellin, would you
4 record the vote?

5 MS. SCHELLIN: Yes. Staff would record
6 the vote 3 to zero to 2, Commission May moving,
7 Commissioner Hood seconding, Commissioner Mitten in
8 favor, of approving for proposed action case Number
9 03-11, Commissioners Hannaham and Parsons not
10 present, not voting.

11 CHAIRPERSON MITTEN: And I know that
12 staff would want me to just remember to invite you
13 to file proposed findings of fact and conclusions
14 of law, if you so choose.

15 MR. GLASGOW: We certainly so choose.

16 CHAIRPERSON MITTEN: Thank you. I
17 would like to thank everybody for coming out
18 tonight, and for all the hard work that the ANC and
19 the Applicant and the Foggy Bottom Association have
20 put into this. It made our job easy tonight.

21 This hearing is now adjourned.

22 (Whereupon, the foregoing matter went
23 off the record at 8:26 p.m.)

24

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